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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,431	01/22/2001	Charles L. Jones	US20000181	9566
173	7590	08/16/2005	EXAMINER	
WHIRLPOOL PATENTS COMPANY - MD 0750 500 RENAISSANCE DRIVE - SUITE 102 ST. JOSEPH, MI 49085			VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

***Requirement for Information under 37 CFR 1.105***

This is in reference to the response received by the office on 22 December 2004 to the office action mailed on 22 September 2004.

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The information is required to identify products and/or services embodying the disclosed subject matter of product made by process of establishing a product personality for a product correlated with visual characteristics and designing product based on the correlation and desired brand personalities.

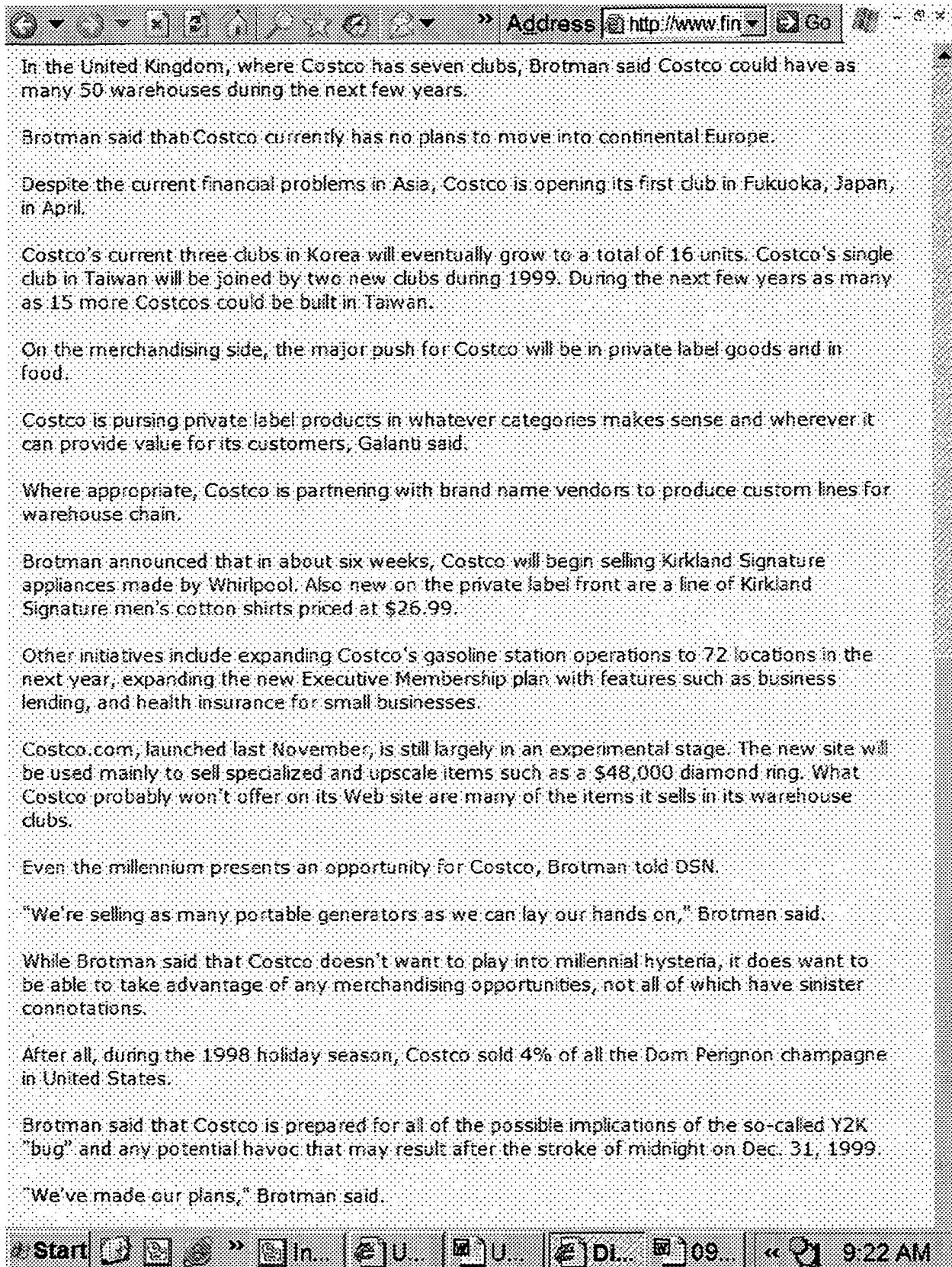
Robert Scally in his article dated 08 February 1999, "Costco Ready To Grow Clubs And Expand Private Label" states that Costco Chairman Jeff Brotman announced that in about six weeks, Costco will begin selling Kirkland Signature appliances made by Whirlpool. This indicates that there existed system and method of product made by process of establishing a product personality for a product correlated with visual characteristics and designing product based on the correlation and desired brand personalities. For example, matching pair of branded washer and dryer.

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The screenshot shows a web browser window with the following details:

- Address Bar:** http://www.fin...
- Page Title:** LookSmart ARTICLES
- Breadcrumbs:** FindArticles > Discount Store News > Feb 8, 1999 > Article > Print friendly
- Section Header:** **Costco ready to grow clubs and expand private label**
- Text:** Robert Scally
- Text:** BELLEVUE, WASH. - Costco Wholesale Corp. plans to stay on top by not slowing down.
- Text:** "The best way we can remain competitive is to be a moving target," Jim Sinegal, president and ceo of Costco, said during the company's annual meeting on Jan. 28.
- Text:** Costco will use a combination of expansion and new initiatives to remain the most profitable wholesale club chain in the nation.
- Text:** In fiscal 1998, ended Aug. 30, Costco revenue increased 11% to \$23.8 billion, while net income soared 47% to \$459.8 million.
- Text:** For fiscal 1999, PaineWebber estimates that net sales will hit \$26.3 billion.
- Text:** For the five weeks ended Jan. 3, 1999, Costco reported net sales of \$3.09 billion, an increase of 12% from \$2.77 billion in the same five-week period of the prior fiscal year.
- Text:** For the first 18 weeks of its 1999 fiscal year ended Jan. 3, 1999, the company reported net sales of \$9.59 billion, an increase of 12% from \$8.59 billion during the prior fiscal year.
- Text:** Comparable warehouse sales for this year-to-date period increased 8%.
- Text:** With 301 clubs in six countries as of December 1998, Costco plans to add as many as 22 clubs this year.
- Text:** "We're looking at every major market in the country where we don't already operate," Jeff Brotnman, Costco's chairman, said.
- Text:** In the U.S., some of Costco's growth will come in new markets such as the Philadelphia area and in Arizona, while filling in existing markets in densely populated areas.
- Text:** A new club built in Torrance, Calif., did cannibalize about 6% to 7% in weekly sales from a Costco in nearby Hawthorne, Calif., but generated about \$1.9 million in weekly sales.
- Text:** "We think that sales in the Hawthorne unit will come back as well," Richard Galanti, Costco's executive vp and cfo, said.
- Text:** International expansion will also play a major role in the company's growth during the next few years, Brotnman said.
- Text:** Costco's global expansion plans include 10 additional clubs in Canada in the next two years. Currently Costco operates 57 locations.
- Text:** In Mexico, where Costco currently has 16 clubs, another 14 locations could be added.

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In the United Kingdom, where Costco has seven clubs, Brotman said Costco could have as many 50 warehouses during the next few years.

Brotman said that Costco currently has no plans to move into continental Europe.

Despite the current financial problems in Asia, Costco is opening its first club in Fukuoka, Japan, in April.

Costco's current three clubs in Korea will eventually grow to a total of 16 units. Costco's single club in Taiwan will be joined by two new clubs during 1999. During the next few years as many as 15 more Costcos could be built in Taiwan.

On the merchandising side, the major push for Costco will be in private label goods and in food.

Costco is pursing private label products in whatever categories makes sense and wherever it can provide value for its customers, Galant said.

Where appropriate, Costco is partnering with brand name vendors to produce custom lines for warehouse chain.

Brotman announced that in about six weeks, Costco will begin selling Kirkland Signature appliances made by Whirlpool. Also new on the private label front are a line of Kirkland Signature men's cotton shirts priced at \$26.99.

Other initiatives include expanding Costco's gasoline station operations to 72 locations in the next year, expanding the new Executive Membership plan with features such as business lending, and health insurance for small businesses.

Costco.com, launched last November, is still largely in an experimental stage. The new site will be used mainly to sell specialized and upscale items such as a \$48,000 diamond ring. What Costco probably won't offer on its Web site are many of the items it sells in its warehouse clubs.

Even the millennium presents an opportunity for Costco, Brotman told DSN.

"We're selling as many portable generators as we can lay our hands on," Brotman said.

While Brotman said that Costco doesn't want to play into millennial hysteria, it does want to be able to take advantage of any merchandising opportunities, not all of which have sinister connotations.

After all, during the 1998 holiday season, Costco sold 4% of all the Dom Perignon champagne in United States.

Brotman said that Costco is prepared for all of the possible implications of the so-called Y2K "bug" and any potential havoc that may result after the stroke of midnight on Dec. 31, 1999.

"We've made our plans," Brotman said.

In response to this requirement please provide any known publications, papers, brochures, manual and press releases that describe providing product made by process of establishing a product personality for a product correlated with visual characteristics and designing product based on the correlation and desired brand personalities.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of the requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97 where appropriate.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig  
Examiner  
Art Unit 3629

August 8, 2005